

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: March 12, 2012

JUDGE
LEONARD DAVIS

REPORTERS:
Shea Sloan & Judy Werlinger

LAW CLERK: Eman Sojoodi

CEATS, INCORPORATED V CONTINENTAL AIRLINES, INCORPORATED, ET AL	CIVIL ACTION NO: 6:10-CV-120 JURY TRIAL - DAY 1
ATTORNEYS FOR PLAINTIFFS	ATTORNEY FOR DEFENDANT
SEE SIGN-IN SHEETS	

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 8:35 am

ADJOURN: 5:05 pm

TIME:	MINUTES:
8:35 am	HEARING OUTSIDE THE PRESENCE OF THE JURY.
	Court addressed the parties on some matters.
	Mr. Morisseau addressed the Court on an objection to the slides (Microsoft) and the handwriting on the slide. Mr. Melsheimer responded. Court asked to see the exhibit. Court sustained the objection.
	Mr. McNabney addressed the Court on Defendant's objections to Plaintiff's - Page 8 opening slide. Court asked to see the exhibit. Mr. Morisseau responded. Mr. McNabney replied. Court overruled objection.
	Mr. McNabney addressed the Court on demonstratives being used with Mr. Skane today, and Plaintiff's Exhibit 283, two of the slides referring to Tickets.com, which is no longer in the case. Objection overruled.
	Court inquired as to Tickets.com of them not being in the infringement case and being in the invalidity case. Mr. Morisseau responded. Mr. Hill responded.
	Mr. McNabney addressed the Court on Page 33 which lists a number of patents not in the case. Mr. Morisseau responded. Mr. McNabney replied. Court overruled objection.

DAVID J. MALAND, CLERK

BY: *Rosa L Ferguson*, Courtroom Deputy

TIME:	MINUTES:
	Mr. McNabney objected to Ceats' Standard Licensing Rates - Part of PX 273. Court sustains objection.
	Mr. Ciccarelli addressed the Court on objection to settlement agreements, pertaining to Exhibits 17 - 22, as well Pages 40-55 demonstrative slides. Mr. Foster responded. Court will allow the licenses in. Mr. Ciccarelli would like to present DX 302 and email that they would like to add to the exhibit list. Mr. Melsheimer responded. Court will take up during the trial and asked parties to approach the bench.
	Mr. Ciccarelli addressed the Court on Navitaire and Air Tran and the licensing agreements and asked to later seal the record. Court gave instruction on sensitive and confidential matters and how it should be handled at trial.
	Mr. Bruce addressed the Court regarding privilege logs for Ticket Master and Live Nation. Objection sustained.
	Mr. Bruce addressed the Court on inducement and attorney's opinions. Mr. Nadel responded. Mr. Bruce replied. Court inquired as to when it will come up. Mr. Morisseau responded that not today.
	Mr. Bruce addressed the Court on source code issues. Mr. Nadel responded as to discovery disputes or rulings, but would like to get into Dr. Jones. Court will withhold ruling until it comes up during trial. Mr. Cornelius addressed the Court.
	Court advised the parties that the Court will allow the Jurors to ask questions of the witnesses. Court advised the parties of the procedures the Court will. Court asked for any objections.
	Mr. Zdrojeski addressed the Court and would like the record to reflect the jurors' identification. Mr. Melsheimer responded. Court advised the parties how it will be handled.
9:00 am	Court in recess for 5 minutes.
9:10 am	Jury seated in the courtroom. Court welcomed the jury back. Court gave the Jury some preliminary instructions.
9:50 am	Court in recess.
10:00 am	Trial resumed.
	Court and parties discussed opening statements.
	Jury entered and seated in the courtroom.
	Court will recognize plaintiff for purposes of opening statement.
	Mr. Morisseau presented Opening Statement on behalf of the Plaintiff.
	Mr. Melsheimer presented Opening statement on behalf of the Defendants.
	Court addressed the Jury and will be in recess until 11:15
	Mr Morisseau asked to approach. (Bench conference held.)
11:07 am	Court in recess until 11:15.
11:20 am	Trial resumed. Jury Seated in the Courtroom.

TIME:	MINUTES:
	Court inquired of parties if they had any exhibits they wish to offer at this time.
	Mr. Morisseau offered Plaintiff's Pre-Admit Exhibit List for March 12, 2012 , which will be marked as Plaintiff's Exhibit List 1 , and without objection, exhibits admitted. Plaintiff's Exhibit List 1 lists: Plaintiff's Exhibit 1, 2, 3, 5, 8, 11, 12, 15, 16 ; and Defendants' Exhibit 304 .
	Ms. Ainsworth offered 2012-03-12 Pre Admit List for Defendants' Exhibits , marked as Defendants' Exhibit List 1 , and without objection, exhibits admitted. Defendants' Exhibit List 1 lists: Defendants' Exhibit 12, 13, 15, 16, 18, 20 - 25, 30 - 39, 51, 53, 55, 56, 59, 60, 64, 68, 69, 72 - 78, 80, 82, 87, 90, 94, 96, 98 - 103, 112, 119, 124, 125, 127, 131, 132, 133, 147 - 152, 156, 159 - 162, 167, 169 - 180, 182 - 187, 189, 190, 193, 194, 210, 212 - 216, 218 - 228, 230 - 232, 234 - 237, 239, 240, 242 - 245, 251, 252, 254 - 262, 273, 276, 278, 279, 298 - 300, 304, 310.
	Mr. Morisseau called JOSEPH MCALEXANDER to the witness stand. Witness sworn.
	Court addressed the parties and will swear in all the witnesses at this time. Court asked those that will be testifying to stand and state their names.
	Milford Skane, Mark Jones, Thomas Rhyne, Keith Ugone, Bruce Tognazinni, Aaron Hynes, Brad Myers, Karen Wells, Michael Stromer, and Kelly Shoenfelt stood, stated their names and were sworn by the Clerk.
	Mr. Morisseau asked that the Rule be invoked. Court explained the Rule to the parties and excused those.
	Direct examination of Mr. McAlexander by Mr. Morisseau. Mr. Morisseau asked to tender to the Jury a notebook with screen shots. Mr. Klemchuk and Mr. Ciccarelli did not object.
12:30 pm	Court addressed the Jury and will excuse them for lunch.
12:30 pm	Court in recess until 1:10 pm
1:10 pm	Trial resumed. Jury Seated in the Courtroom.
	Court addressed the Jury regarding the notebooks tendered to them earlier and asked them to tear out any pages they have written on and keep those with them. The binders would then be returned.
	Joseph McAlexander on the witness stand. Direct examination of witness continued by Mr. Morisseau.
	Mr. Morisseau passed the witness. Cross examination of witness by Mr. Melsheimer. Mr. Morisseau asked to approach the bench. (Bench Conference). Cross examination continued.
	Mr. Melsheimer passed the witness and indicated there would be questioning from other defendants, not for all witnesses, but for some. Cross examination of witness by Mr. Zdrojeski.
	Mr. Zdrojeski passed the witness. Cross examination of witness by Mr. Ciccarelli.
	Mr. Ciccarelli passed the witness. Mr. Hill asked to confer with counsel. Cross examination of witness by Mr. Hill.

TIME:	MINUTES:
	Mr. Hill passed the witness. Redirect examination of witness by Mr. Morisseau.
	Mr. Morisseau passed the witness. Cross examination of witness by Mr. Ciccarelli.
	Mr. Ciccarelli passed the witness. Cross examination of witness by Mr. Melsheimer.
	Mr. Melsheimer passed the witness. Cross examination of witness by Mr. Morisseau.
	Court asked Jury to pass up their questions to the Court Security Officer.
	Mr. Melsheimer asked to approach the bench. (Bench Conference held).
	Court inquired from Jury if they had any questions for the witness. Questions from Jury tendered to Court . Court reviewed.
1:20 pm	Jury excused from the Courtroom.
	Court read question to the parties regarding 1-4 and 5-7. Mr. Melsheimer responded and indicated it might be L-4 and S-7. Mr. Zdrojeski addressed the Court. Mr. Melsheimer addressed the Court on the jury still having the demonstratives in the jury room. Parties discussing.
1:25 pm	Court in recess for 5 minutes.
	Jury out.
	Court inquired if there were any objections. None from the parties.
	Jury entered and seated in the courtroom.
	Jury Question for Witness McAlexander: Court addressed the witness and asked the question that the Jury submitted. Witness responded.
	Court inquired of parties if they had any further questions. Mr. Morisseau had none. Cross examination of witness by Mr. Zdrojeski. Court addressed the Jury on the notebooks passed out earlier and gave instructions on any notes that were written.
	Mr. Morisseau called MILFORD SKANE to the witness stand. Witness previously sworn.
	Direct examination of Mr. Skane by Mr. Morisseau.
3:30 pm	Court in recess until 3: 45 pm
3:45 pm	Trial resumed. Jury seated in the courtroom.
	Direct examination of witness continued.
	Mr. Melsheimer asked to approach the bench. (Bench Conference held). Mr. Melsheimer asked for the jury to be instructed as to the last question. Court instructed jury. Direct examination of witness continued.
5:00 pm	Court addressed the Jury and will excuse them for the evening. Jury excused until 9:00 a.m. tomorrow.

TIME:	MINUTES:
	<p>Jury not present in the courtroom.</p> <p>Court gave the parties their times. Plaintiff has used 3 hours & 47 minutes and Defendants have used 25 minutes. Court also remind parties of 7:00 pm rule as far as filing motions.</p>
	<p>Mr. Morisseau offered Plaintiff's Exhibits 10, 53, 270 and 283. Ms. Ainsworth responded and needs to see them. Court asked parties to confer and tender updated lists in the morning.</p>
5:05 am	<p>Court in recess until 9:00 am.</p>